

MAHARASHTRA ADMINISTRATIVE TRIBUNAL
NAGPUR BENCH NAGPUR
ORIGINAL APPLICATION No. 576 of 2017 (S.B.)

Rohidas S/o Tapiram Jadhav,
Aged about 65 years, R/o Sirasgaon Deshmukh,
Post Garadgaon, Tahsil Khamgaon, District Buldhana.

Applicant.

Versus

- 1) The State of Maharashtra,
through its Department of Forest,
Mantralaya, Mumbai-32.
- 2) Chief Conservator of Forest (Territory),
Forest Department, Amravati.
- 3) Divisional Forest Officer (Wild Life),
Akola.

Respondents.

Shri N.R. Saboo, Advocate for the applicant.
Shri V.A. Kulkarni, learned P.O. for respondents.

Coram :- Hon'ble Shri Justice M.G. Giratkar,
Vice Chairman.

Date of Reserving for Judgment : 5th July,2022.

Date of Pronouncement of Judgment : 18th July,2022

JUDGMENT

(Delivered on this 18th day of July,2022)

Heard Shri N.R. Saboo, learned counsel for the applicant
and Shri V.A. Kulkarni, learned P.O. for the respondents.

2. The case of the applicant in short is as under –

The applicant was appointed as a Coup Guard in the year 1974. The applicant worked in the respondent / department till his completion of age of superannuation. The applicant came to be retired on 30/04/2008.

3. The respondent Chief Conservator of Forests, Yavatmal vide order dated 24/12/2010 issued order of granting benefit of assured pay scale after completion of 24 years regular service. The name of applicant in the order dated 24/12/2010 appears at Sr.No.27. As per this order, the applicant is found to be entitled for pay scale Rs.9300-34800/- with Grade Pay Rs.4400 w.e.f. 01/10/2006. The applicant is already retired on 30/4/2008. The respondent no.3 by the impugned communication dated 17/7/2017 observed that the educational qualification of the applicant is not equivalent to S.S.C. Board examination and as such he is not entitled for the benefit of service in the Forest Department.

4. The applicant challenges the communication dated 17/7/2017 issued by the Divisional Forest Officer (Wild Life), Akola to the Chief Conservator of Forests, Yavatmal whereby the claim of applicant for grant of pay scale as per order dated 24/12/2010 passed by respondent Chief Conservator of Forests is not released.

5. The application is strongly opposed by the respondents. It is submitted that for grant of Assured Career Progressive (ACP)

Scheme, the employees must have to comply the conditions mentioned in the Government G.Rs. The applicant has not qualified SSC examination and therefore he is not entitled for the promotional pay scale. The Certificate submitted by the applicant in respect of passing of examination conducted by the "Sarvidaya Pravesh Pariksha of Tilak Rasthriya Vidyalaya, Khamgaon, District Buldhana" is not equivalent to the SSC examination. The Secretary of SSC Board, Pune informed the respondent by letter dated 15/6/2017 that the examination of Sarvidaya Pravesh Pariksha is not in the list of SSC Board, it is not equivalent to SSC examination and in view of the letter of SSC Board, the applicant was not qualified for the post of Round Officer.

6. The applicant is already retired. The applicant cannot claim the benefit of 2nd ACP. It is submitted that the respondent Chief Conservator of Forests, Yavatmal wrongly issued the order showing the name of the applicant in the list of eligible candidates for grant of 2nd promotional pay. Thereafter, there was a correspondence and it was informed by the SSC Board that the Certificate submitted by the applicant of Sarvidaya Pravesh Pariksha is not equivalent to SSC examination.

7. Heard the learned Counsel for applicant Shri N.R. Saboo. He has pointed out Annex-A-1, Annex-A-2 and Annex-A-3. He has

submitted that as per the Annex-A-3, the applicant had passed the examination of Sarvidaya Pravesh Pariksha of Tilak Rasthriya Vidyalaya, Khamgaon, District Buldhana. It is equivalent to SSC Board examination as per the G.Rs. dated 22/12/1969 and 30/01/1973. Therefore, the applicant was qualified for the post of Round Officer. The Chief Conservator of Forests, Yavatmal has forwarded the list of eligible candidates for getting 2nd ACP. The list is dated 24/12/2010 and name of applicant is at Sr.No.27. After this order of Chief Conservator of Forests, the Divisional Forest Officer (Wild Life), Akola (R/3) made some correspondence and thereafter it is informed to the applicant that he is not entitled for 2nd ACP as he has not passed the SSC Board examination.

8. The learned counsel Shri Saboo has submitted that the passing of examination of Sarvidaya Pravesh Pariksha of Tilak Rasthriya Vidyalaya, Khamgaon, District Buldhana is equivalent to the SSC examination of Maharashtra State, therefore, he is qualified for the promotional post of the post of Round Officer. Hence, he is entitled for 2nd ACP.

9. It appears that the respondent Chief Conservator of Forests has wrongly issued the order dated 24/12/2010. As per the recruitment rules for the promotion from the post of Forest Guard minimum qualification is SSC pass. The applicant has not passed

SSC examination. The learned counsel pointed out the G.Rs. dated 22/12/1969 and 30/01/1973. From the G.R. 22/12/1969, it appears that Sarvidaya Pravesh Pariksha of Tilak Rasthriya Vidyalaya, Khamgaon, District Buldhana should be recognised “as equivalent to SSC certificate examination of Maharashtra State **for purpose of admission to the government and non government junior college of education in the State.**” The G.R. dated 30/01/1973 shows that the said examination of Sarvidaya Pravesh Pariksha of Tilak Rasthriya Vidyalaya, Khamgaon, District Buldhana “as equivalent to the SSC examination **for the purposes employment as a Teachers in the Primary and Secondary School in the State**”

10. The G.R. dated 22/12/1969 shows that the examination of Sarvidaya Pravesh Pariksha of Tilak Rasthriya Vidyalaya, Khamgaon, District Buldhana was equivalent to SSC Board examination for the purposes of admission to the government and non government junior College of Education in the State of Maharashtra. It is not equivalent for other purpose.

11. The G.R. 30/01/1973 shows that the said examination of Sarvidaya Pravesh Pariksha of Tilak Rasthriya Vidyalaya, Khamgaon, District Buldhana was equivalent to the SSC examination **for the purposes of employment as a Teachers in Primary and Secondary School in the State**”.

12. It is specifically mentioned in the G.R. dated 30/01/1973 that the said examination was equivalent to SSC examination for the purposes of employment as a Teachers in Primary and Secondary School in the State. This G.R. does not show that the said examination was equivalent to SSC examination **for employment in any other department**, therefore, the applicant cannot take the benefit of the G.Rs. dated 22/12/1969 and 30/01/1973. As per the communication of SSC Board dated 15/06/2017, it is clear that examination of Sarvidaya Pravesh Pariksha is not equivalent to SSC Board examination. Hence, the applicant is not entitled for 2nd ACP as prayed for. The communication issued by the respondent no.3 dated 17/07/2017 is perfectly legal and correct and it cannot be quashed and set aside. Hence, the following order –

ORDER

The O.A. is dismissed. No order as to costs.

Dated :- 18/07/2022.

dnk.

(Justice M.G. Giratkar)
Vice Chairman.

I affirm that the contents of the PDF file order are word to word same as per original Judgment.

Name of Steno : D.N. Kadam

Court Name : Court of Hon'ble Vice Chairman.

Judgment signed on : 18/07/2022.

Uploaded on : 19/07/2022.

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